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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/821,942

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Naoyuki Katou

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EXAMINER

TRAN, CON P

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/821,942	Applicant(s) KATOU ET AL.	
	Examiner Con P. Tran	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/20/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of Applicants' claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Applications No. JAPAN No. 2003-119972, filed on April 24, 2003; and JAPAN No. 2003-112646, filed on April 17, 2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-9, and 11-19** are rejected under 35 U.S.C. 102(b) as being anticipated by Aarts et al. U.S. Patent 6,111,960 (hereinafter, "Aarts").

Regarding **claim 1**, Aarts teaches an acoustic signal-processing apparatus (see Fig. 9 and respective portions of the specification, col. 9 lines 15-21) comprising:

a band-dividing unit (band-pass filters 20A-20N; Fig.9) operable to divide a low frequency component in an entering acoustic signal into filtered components that belong to several frequency bands (col. 9 lines 15-21);

an overtone-generating unit (harmonic generators 23A-23N; Fig. 9) operable to generate a plurality of overtone components (i.e., harmonics) based on each of the filtered components that belong to the several frequency bands (col. 9 lines 15-21); and

a combining unit (sum 26, Fig. 9) operable to combine the entering acoustic signal with the plurality of overtone components generated by said overtone-generating unit (col. 10, lines 30-40),

wherein said overtone-generating unit is operable to generate the plurality of overtone components (i.e., harmonics) in such a manner that the plurality of overtone components generated by said overtone-generating unit meet a given condition (harmonic order; second, third harmonic; col. 5, lines 41-51).

Aarts thus teaches all the claimed limitations.

Regarding **claim 2**, Aarts teaches an acoustic signal-processing apparatus as defined in claim 1, wherein the given condition is concerned with a degree of each of the plurality of overtone components (i.e., harmonics) generated by said overtone-generating unit (i.e., (harmonic order; second, third harmonic; col. 5, lines 41-51).

Regarding **claim 3**, Aarts teaches an acoustic signal-processing apparatus as defined in claim 1, wherein the given condition defines that the plurality of overtone components generated by said overtone-generating unit fall within a range of a given frequency (based on harmonic generators 23A-23N; Fig. 9).

Regarding **claim 4**, Aarts teaches an acoustic signal-processing apparatus as defined in claim 1, wherein said overtone-generating unit (harmonic generators 23A-23N; Fig. 9) generates one or more overtone components based on each of the filtered components that belong to the several frequency bands (based on harmonic generators 23A-23N; Fig. 9); and wherein the given condition (harmonic order; second, third harmonic; col. 5, lines 41-51) defines that a number of the one or more overtone components generated based on a filtered component that belongs to a higher frequency band among the several frequency bands (i.e., of input band-pass filters 20A-20N; Fig.9) is not greater than a number of the one or more overtone components generated based on a filtered component that belongs to a lower frequency band among the several frequency bands (by selecting frequency band being lower than the highest signal frequencies of the audio input signal; harmonics generator means for generating harmonics of signals in the selected frequency band of the audio input signal to provide generated harmonics col. 12, lines 36-40).

Regarding **claim 5**, Aarts teaches an acoustic signal-processing apparatus as defined in claim 1, wherein the given condition (harmonic order; second, third

harmonic; col. 5, lines 41-51) defines generation of the plurality of overtone components for each of the several frequency bands (based on harmonic generators 23A-23N; Fig. 9), the plurality of overtone components having at least one of a reachable least degree and an degree greater than the reachable least degree (harmonic order, col. 5, lines 41-51), the reachable least degree being a least degree that reaches an envisaged speaker reproducible band (in low frequency for low-frequency perception; col. 4, line 65 - col. 5, line 4).

Regarding **claim 6**, Aarts teaches an acoustic signal-processing apparatus as defined in claim 1, wherein the given condition defines that the plurality of overtone components generated by said overtone-generating unit (harmonic order; second, third harmonic; col. 5, lines 41-51) fall within a range of a given frequency (in low frequency for low-frequency perception; col. 4, line 65 - col. 5, line 4), and defines that the plurality of overtone components have a reachable least degree and a degree that is greater than the reachable least degree but falls within the range of the given frequency (i.e., assigning separate harmonics generators to each band will substantially prevent such intermodulation from taking place; col. 9, lines 23-40), the reachable least degree being a least degree that reaches an envisaged speaker reproducible band (in low frequency; e.g., 120Hz; col. 9, lines 23-40).

Regarding **claim 7**, Aarts teaches an acoustic signal-processing apparatus as defined in claim 1, wherein the given condition defines that the plurality of overtone

components generated by said overtone-generating unit (harmonic order; second, third harmonic; col. 5, lines 41-51) fall within a range of a given frequency (in low frequency; e.g., 120Hz; col. 9, lines 23-40), and that only the plurality of overtone components (i.e., harmonics) having a single degree (i.e., harmonic order) for each of the several frequency bands are generated (prevent such intermodulation from taking place; col. 9, lines 23-40).

Regarding **claim 8**, Aarts teaches an acoustic signal-processing apparatus as defined in claim 7, wherein the single degree (i.e., harmonic order) is a reachable least degree, the reachable least degree being a least degree that reaches an envisaged speaker reproducible band (in low frequency; e.g., 120Hz; col. 9, lines 23-40).

Regarding **claim 9**, Aarts teaches an acoustic signal-processing apparatus as defined in claim 7, wherein the single degree (i.e., harmonic order) is set in such a manner that the plurality of overtone components (i.e., harmonic) generated based on the filtered components that belong to the several frequency bands have frequencies non-overlapped with each other (i.e., assigning separate harmonics generators to each band will substantially prevent such intermodulation from taking place; col. 9, lines 23-40).

Regarding **claims 11-19**, these claims merely reflect the method to the apparatus claim of claims 1-9 and are therefore rejected for the same reasons.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 10 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Aarts et al. U.S. Patent 6,111,960 (hereinafter, "Aarts") in view of Case U.S. Patent 6,335,973.

Regarding **claim 10**, Aarts teaches an acoustic signal-processing apparatus as defined in claim 1. Aarts discloses if more or less harmonics are required, the number of multipliers and coefficients can be increased or decreased; making the coefficients C1-C5 adjustable (col. 6, lines 35-45).

Aarts does not explicitly disclose wherein each of the plurality of overtone components have amplitude set to decrease with an increase in frequency.

Case discloses an harmonic enhancement system (col. 1, lines 52-55) in which each of the plurality of overtone components have amplitude set to decrease with an increase in frequency (see Fig. 15b; col. 6, lines 1-6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the an harmonic enhancement system taught by Case with the acoustic signal-processing apparatus of Aarts such that wherein each of the plurality of overtone components have amplitude set to decrease with an increase in frequency as claimed for purpose of improving audio clarity, as suggested by Case in column 1, lines 59-60.

Regarding **claim 20**, this claim merely reflects the method to the apparatus claim of claim 11 and is therefore rejected for the same reasons.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Con P. Tran whose telephone number is (571) 272-7532. The examiner can normally be reached on M - F (8:30 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Vivian C. Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cpt
April 1, 2008

/Vivian Chin/

Supervisory Patent Examiner, Art Unit 2615